WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1943

COMMITTEE SUBSTITUTE FOR
House Bill No. 205

ENROLLED

HOUSE BILL No. 205

Originating in the Committee on the Judiciary
(By Mr. ________________________________)

PASSED March 1, 1943

In Effect from Passage
ENROLLED

COMMITTEE SUBSTITUTE FOR

House Bill No. 205

(Originating in the Committee on the Judiciary)
(Passed March 1, 1943; in effect from passage.)

AN ACT to amend chapter sixty-eight, acts of the Legislature, regular session, one thousand nine hundred thirty-five, as amended by chapter fifty-five, acts of the Legislature, regular session, one thousand nine hundred thirty-seven, by adding thereto a new section twenty-one-a, relating to municipal administration and control of flood walls.

Be it enacted by the Legislature of West Virginia:

That chapter sixty-eight, acts of the Legislature, regular session, one thousand nine hundred thirty-five, as amended by chapter fifty-five, acts of the Legislature, regular session, one thousand nine hundred thirty-seven, be amended by adding thereto a new section twenty-one-a to read as follows:

Section 21-(a). Flood Wall Board—Alternate Plan.—In any municipality which now maintains and operates a flood wall or walls for protection against floods by virtue
of the provisions of this act, or any municipality which
may hereafter construct, maintain and operate any such
flood wall or walls under the provisions of this act or any
amendment hereafter made hereto, the municipal au-
thorities thereof may, in their discretion, provide by or-
dinance that the custody, administration, operation and
maintenance of such flood wall or walls shall be under the
supervision and control of a board. If and when such
ordinance is enacted creating such board, fixing the man-
er and method of the appointment thereof, and reciting
therein its purpose to accept the provisions of this sec-
tion, then such ordinance shall not thereafter be re-
pealed or amended in such manner as to impair or defeat
the purposes therein stated for which it was enacted.
Such board shall consist of the number of members fixed
in the ordinance creating the board, and the manner and
mode of their selection and appointment shall be stated
in such ordinance. The members of the board shall be
chosen without regard to their political affiliations, but
with regard to their business and professional experience
or standing as citizens in the community. The chief ex-
ecutive officer of the municipality shall ex officio be a
member and, if he so elects, the chairman of such board.
Except as herein otherwise provided the board shall
have the power to establish by-laws, rules and regulations
for its own government which are not in conflict with the
provisions of this act or the ordinance creating it, but
the board shall not have the power to levy or collect
ad valorem or any other taxes or assessments. The mu-
nicipal authorities shall provide adequate funds to meet
the needs of the board in accordance with the purposes
of this act and in accordance with the purposes of the
ordinance creating the board. All expenses, including at-
torney's fees of such board, shall be paid solely from
funds provided under the authority of this act.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Roy J. Showalter  
Chairman Senate Committee

Fred H. Patoff  
Chairman House Committee

Originated in the House of Delegates

Takes effect from passage.

C. Neal Herikson  
Clerk of the Senate

Clerk of the House of Delegates

James P. Van  
President of the Senate

John E. Alas  
Speaker House of Delegates

The within approved this the 1st day of March, 1943.

Matthew Neely  
Governor.

Filed in the office of the Secretary of State of West Virginia, MAR 9 1943

Win. S. O'Brien,  
Secretary of State